

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 21, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREA LEE CAMPOS-
HERNANDEZ,

Defendant.

No. 2:24-CR-00082-TOR-1

ORDER DENYING
DEFENDANT’S MOTION
TO MODIFY CONDITION
OF PRETRIAL RELEASE

MOTION DENIED
(ECF No. 48)

Pending before the Court is Defendant ANDREA LEE CAMPOS-HERNANDEZ’s Motion to Modify Condition of Pretrial Release. **ECF No. 48.** Defendant moves the Court to strike the pretrial release home detention condition set forth in the Order Denying the United States’ Motion for Detention and impose a curfew condition. ECF No. 21 at 5 (Condition No. 16); ECF No. 48 at 2-3.¹

United States Probation takes no position on Defendant’s proposed pretrial release modification. The United States opposes the proposed modification and

¹ While Defendant asserts in her motion that she “has demonstrated to United States Probation and this Court that *her danger to the community can be reasonably assured with the less restrictive condition of a curfew*” the Court understands Defendant’s contention to mean that a curfew condition would reasonably assure the safety of other persons or the community rather than increase any risk to the community. ECF No. 48 at 2-3 (emphasis added).

1 contends Defendant has failed to present any new information material to the issue
2 of her risk of nonappearance or dangerousness to the community that would justify
3 striking the home detention condition in favor of a curfew condition. ECF No. 50.

4 The Court may modify conditions of pretrial release pursuant to 18 U.S.C.
5 § 3142(c)(3). Specifically, “[t]he judicial officer may at any time amend the order
6 to impose additional or different conditions of release.” *Id.* The district court may
7 also modify conditions of release on review of this Court’s release order (or
8 detention order) pursuant to 18 U.S.C. § 3145.

9 The Court has fully reviewed and considered Defendant’s Motion to Modify
10 Condition of Pretrial Release, **ECF No. 48**; the United States’ Response to
11 Defendant’s Motion to Modify Conditions of Pretrial Release, ECF No. 50; the
12 Order Denying the United States’ Motion for Detention, ECF No. 21; the Order
13 Granting in Part and Denying in Part Defendant’s Motion to Modify Conditions of
14 Release, ECF No. 30; the Order Denying Modification of Release Conditions, ECF
15 No. 37; the Order Granting Defendant’s Unopposed Motion to Modify Conditions
16 of Release, ECF No. 39; the Status Report, ECF No. 40; the Indictment, ECF
17 No. 1; and the case file generally. Pursuant to 18 U.S.C. § 3142, the Court has also
18 again considered: 1) the nature and circumstances of the offense charged; 2) the
19 weight of the evidence against Defendant; 3) Defendant’s history and
20 characteristics, including character, physical and mental condition, family ties,
21 employment, financial resources, length of residence in the community,
22 community ties, past conduct and history relating to alcohol and drug abuse, and
23 also criminal history, record concerning appearance at court proceedings, and
24 whether Defendant was under supervision at the time of the alleged offense; and,
25 4) the nature and seriousness of the danger to the community posed by Defendant’s
26 release. *See* 18 U.S.C. § 3142(g). The Court has also considered the applicable
27 rebuttable presumption of detention pursuant to 18 U.S.C. § 3142(e)(3)(E).
28

1 Notably, Defendant has not presented any new information in support of her
2 motion beyond the fact of her current compliance with the existing conditions of
3 pretrial release.² ECF No. 48 at 2-3. While it is undisputed that Defendant appears
4 to have complied with her conditions of pretrial release during the time the home
5 detention condition has been in place, it does not follow that the home detention
6 condition is then somehow unnecessary and superfluous. Rather, based on the
7 unique facts and circumstances of this case, the Court views the home detention
8 condition as an essential pretrial release condition that imposes a minimum burden
9 on Defendant while serving numerous positive supervision functions, to include
10 the protection of the community, acting as a reminder to Defendant that she
11 remains on pretrial supervision, imposing a check on Defendant's behavior and
12 impulses, and reassuring the alleged victim in this case that Defendant is under
13 appropriate supervision while in the community.

14 Accordingly, after full consideration of the factors and materials noted
15 above, the Court continues to find the home detention condition to be an important
16 and essential part of the overall combination of interlocking conditions of release
17 necessary to reasonably assure both Defendant's appearance at future court
18 proceedings and the safety of the community and any other person. The Court
19 rejects the view that Defendant's mere ability to follow pretrial release conditions
20 means the release conditions should then continually be removed and relaxed over
21 time until the point of noncompliance is reached, particularly in a case that
22

23
24 ² New information or circumstances providing a potential basis for the
25 modification of pretrial release conditions could include an employment
26 opportunity, a health condition or procedure (such the procedure and recovery
27 addressed in ECF No. 39), a housing issue, or a travel necessity, among other
28 legitimate possibilities.

1 involves allegations of the sexual exploitation of a minor, distribution of child
2 pornography, and the transfer of obscene material to a minor. Indeed, in the
3 Court's view, *the absence of a home detention condition in this case would favor*
4 *Defendant's detention rather than Defendant's pretrial release* given the Court's
5 obligation to fashion the "least restrictive . . . condition, or combination of
6 conditions, that . . . [the Court] determines will reasonably assure the appearance of
7 the person as required and the safety of any other person and the community." 18
8 U.S.C. § 3142(c)(1)(B). The least restrictive combination of release conditions are
9 precisely the combination of release conditions currently in place as set forth in the
10 various prior orders addressing and setting the conditions of Defendant's pretrial
11 release. ECF Nos. 21, 30, 37, 39.

12 Accordingly, **IT IS ORDERED:**

13 1. Defendant's Motion to Modify Conditions of Release, **ECF No. 48**, is
14 **DENIED.**

15 2. **Defendant shall file an updated Status Report by March 27, 2025**
16 **in relation to the Order Granting Defendant's Unopposed Motion to Modify**
17 **Conditions of Release, ECF No. 39.** The Status Report shall address the status of
18 her recovery from surgery and whether she still requires assistance from her
19 parents.
20

21 **IT IS SO ORDERED.**

22 DATED March 21, 2025.



23
24
25
26
27
28

A handwritten signature in blue ink, reading "James A. Goeke", is written over a horizontal line.

JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE